

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESAL PRICE)	
LITIGATION)	
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)	MDL No. 1456
)	Master File No. 01-12257-PBS
THIS DOCUMENT RELATES TO:)	Subcategory Case No. 06-11337 -PBS
)	
<i>United States of America ex rel. Ven-a-Care of</i>)	
<i>the Florida Keys, Inc. v. Abbott Laboratories,</i>)	Hon. Patti B. Saris
<i>Inc., Civil Action No. 06-11337-PBS</i>)	
)	Magistrate Judge Marianne B. Bowler

STIPULATION FOR VOLUNTARY DISMISSAL

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the December 7, 2010, Settlement Agreement between the United States, Relator Ven-A-Care of the Florida Keys, Inc. (“Relator”), and Abbott Laboratories Inc. and Abbott Laboratories (“Abbott”) (collectively, the “Parties”), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order dismissing with prejudice the United States’ First Amended Complaint filed against Abbott in *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, MDL-No. 1456, C.A. No. 01-12257-PBS (D. Mass.) (relating to *United States ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, Civil Action No. 06-11337-PBS). The dismissed claims, which were previously assigned No. 06-21303-CV-GOLD (S.D. Fla.), were transferred to this MDL for pre-trial proceedings pursuant to MDL 1456 Conditional Transfer Order-30 (July 11, 2006).

This stipulation has no effect on claims or allegations against any defendants other than

Abbott in *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, MDL-No. 1456, C.A. No. 01-12257-PBS (D. Mass.).

Each party shall bear its own costs and attorneys' fees.

WHEREFORE, to permit them to effectuate the terms of their Settlement Agreement, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), the Parties respectfully request that the Court enter an order in the form attached hereto as Exhibit 1.

Respectfully Submitted,

For the United States of America,

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December 13, 2010

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above
“**STIPULATION FOR VOLUNTARY DISMISSAL**” to be served on all counsel of record via
electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy
to LexisNexis File & Serve for posting and notification to all parties.

/s Mark Lavine

December 13, 2010